

REMARKS

Reconsideration of this application is respectfully requested. To this end, petition is hereby made for a three month extension of time to respond to the outstanding Final Office Action of October 28, 2008, and a Request for Continued Examination is being filed with this Amendment After Final Rejection.

Claims 1-16 are pending in the application. Upon entry of this Amendment, claims 1, 4-6 and 8 will be amended to clarify the claimed invention, and new claims 17-21 will be added.

In the outstanding Final Office Action, the Examiner objected to claim 6 as improperly reciting “An alarm system according to claim 1”, rather than - - The alarm system according to claim 1 - -. Claim 6 has now been amended to make the change required by the Examiner. As such, the Examiner’s objection to claim 6 should be withdrawn.

In the outstanding Final Office Action, the Examiner again rejected claims 1 and 8 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. After withdrawing his prior §112, first paragraph, rejection of claims 1 and 8, the Examiner now argues that such claims recite a sensor system comprising “an accelerometer/silicon crystal; microphone and temperature sensor . . .”, which the Examiner contends is reciting new matter.

Given the Examiner's acknowledgement that "Applicant only [originally] disclose[d] a sensor system comprises [sic] at least one of the following sensors: accelerometer/silicon crystal, microphone, frequency transmitters, strain gauges, camera, temperature sensors, UV/photocells, electronic noses, anemometers, infrared sensors, gamma transducers, laser sensors, inductive sensors, flow sensors, level transducers, tension gauges and pressure gauges in [0031]", the undersigned is confused by the Examiner's §112, first paragraph, rejection of claims 1 and 8.

The Examiner, in his §112 rejection, acknowledged that the Applicant originally disclosed a sensor system comprising at least one of a list of sensors that included, among other things, an accelerometer/silicon crystal; microphone and temperature sensor. The "at least one of" language in claims 1 and 8 implies that the claimed sensor can include just one of the items originally included in the sensor list or some or all of the items originally included in the sensor list.

The accelerometer/silicon crystal; microphone and temperature sensor recited in claims 1 and 8 constitute some of the items originally included in the sensor list. Thus, claims 1 and 8 do not recite new matter. As such, the Examiner's rejection of claims 1 and 8 under §112, first paragraph, should again be withdrawn.

The Examiner again rejected claims 1-13, and also rejected added claims 14-16 under 35 U.S.C. §103(a) as being unpatentable over Vock *et al.* (U.S. Publication No. 2005/0080566 A1) in view of Raymond *et al.* (U.S. Publication No. 2004/0087839 A1). The Examiner's §103(a) rejection is largely identical in formulation to that advanced in

the prior Office Action of January 24, 2008. The Examiner's rejection is again respectfully traversed.

In rejecting a claim under 35 U.S.C. §103(a) as being unpatentable over a combination of references, an Examiner must point to a reason as to why one of ordinary skill in the relevant art would have combined the cited references to produce the claimed invention.

Here, assuming, *arguendo*, that the Examiner properly combined the cited Vock and Raymond references in his rejection of claims 1-16 under §103(a), the resulting combination is not the claimed invention because such references do not disclose an alarm system that triggers an alarm signal upon a deviation from at least one environment-dependent reference predetermined for a specific environment, as described in amended independent claims 1 and 8 of the present application.

In the outstanding Final Office Action of October 28, 2008, the Examiner states:

Applicant's arguments filed 7/23/2008 have been fully considered but they are not persuasive. Regarding claims 1-13, Applicant argues that . . . the resulting combination [of Vock and Raymond] is not the claimed invention . . . , as now recited in amended independent claims 1 and 8 of the present application. The Examiner respectfully disagrees. As stated in claim rejection above, Vock et al. teaches similar invention in each aspects [sic] disclosed in applicant's invention which shows the alarm triggering when the event exceed the predetermined threshold.

10/28/08 Final Office Action, page 9, paragraph 10 (Emphasis added).

The alarm system described in independent claims 1 and 8 of the present application does not compare data recorded by the alarm system's sensors with some

predetermined threshold or value, as in Vock, but rather with a recorded image of a normal state of the environment in which the alarm system is located. Figure 4 of the present application shows two examples of sound/vibration images that might be used with the claimed alarm system of the present application.

The alarm system described in amended independent claims 1 and 8 is comprised of (a) a sensor system for recording a normal state of the environment while in the environment and (b) a processor member for comparing signals from the sensor system with a predetermined environment-dependent reference.

Independent claims 1 and 8 of the present application have now been amended to clarify that the predetermined environment-dependent reference recited in claims 1 and 8 is at least a recorded image of the normal state of the environment, a feature not disclosed in Vock and Raymond. In an embodiment of the invention disclosed in the present application, this recorded image is a sound/vibration image of the normal state of the environment.

The Examiner again contends that Vock discloses an alarm system that triggers an alarm signal upon deviation from at least one environment-dependent reference predetermined for a specific environment, again pointing to paragraph [0037], lines 1-31 of Vock to support his assertion. In this regard, the Examiner defines the term "deviation" as "exceed[ing] some predetermined threshold or value" and the phrase "environment-dependent references" as "events". 10/28/08 Final Office Action, p. 3, paragraph 7.

A review of Vock reveals that Vock does not disclose an alarm system, much less an alarm system that triggers an alarm upon a deviation from at least one environment-dependent reference predetermined for a specific environment, and that includes a sensor system for recording an image of a normal state of the environment while in the environment and a processor member for comparing signals from the sensor system with the predetermined environment-dependent reference, where the predetermined environment-dependent reference is at least the recorded image of the normal state of the environment, as now recited in amended independent claims 1 and 8 of the present application.

Rather, Vock discloses a sensor that may be used in applications, such as within sports, the shipping industry and medical and health industries, and that sticks to people and objects and senses conditions associated with movement and/or the environment of the sensor. Specifically, Vock discloses a Movement Monitoring Device (“MMD”) and an Event Monitoring Device (“EMD”) that record an “event” where conditions associated with the environment and/or movement of a sensor applied to a person or an object exceed some predetermined threshold or value.

The citation of paragraph [0037], lns. 1-31, in Vock, relied upon by the Examiner in his rejection of claims 1-16 under §103, relates to the MMD disclosed by Vock, where data associated with an “event” is acquired for purposes of determining whether it exceeds some predetermined threshold or value. Vock states that the MMD measures one or more environmental metrics that include temperature, humidity, moisture, altitude

and pressure. But these data are not compared to at least one environment-dependent reference predetermined for a specific environment, where the predetermined environment-dependent reference is at least the recorded image of a normal state of the environment.

The MMD disclosed by Vock also monitors movement events in an environment. Some of the examples given by Vock for such movement events include impact, acceleration, rotation, velocity, air time, speed, drop distance, altitude variations and jerk variations. A discussion of these appears at page 5 of Vock in paragraphs [0047] to [0057].

The EMD disclosed by Vock monitors and reports temperature, humidity, chemicals, heart rate, pulse, pressure, stress, weight, environmental factors and hazardous conditions. *E.g.*, Vock, p. 5, paragraphs [0061] and [0062]. But, here again, the EMD is monitoring one or more metrics for events where the data that is acquired “exceeds some predetermined threshold or value.” Vock, p. 7, paragraph [0080].

In this same paragraph, Vock gives several examples of the metrics monitored by an EMD. Vock talks about (1) a temperature sensor used to determine whether a temperature event exceeds a threshold, (2) a humidity sensor to determine whether the humidity event reach specified humidity conditions, such as 98% humidity, (3) a stress monitor to determine whether the heart rate of a human has increased to a rate of over 180 beats per minute, and (4) a chemical or pH detector to determine a change of chemical composition of an object.

None of these examples for either the MMD or the EMD described in Vock is designed to ascertain whether a deviation has occurred from at least one environment-dependent reference predetermined for a specific environment, where the predetermined environment-dependent reference is at least the recorded image of a normal state in an environment.

Raymond does not compensate for the noted deficiency in the teachings of Vock. Raymond discloses a health monitoring system which tracks the state of health of a patient and compiles a chronological health history of the patient uses a multiparametric monitor which periodically and automatically measures and records a plurality of physiological data from sensors in contact with the patient's body. The data collected is periodically uploaded to a database in which it is stored along with similar health histories for other patients. The monitor is preferably self-contained in a chest strap which is located on the patient's torso, and makes use of a controller which controls sampling of the desired data and storage of the data to a local memory device pending uploading to the database.

As such, claims 1 and 8 are not obvious over the combination of Vock and Raymond. And because dependent claims 2-7 and 9-16, and new claims 17-21 all depend either directly or indirectly from independent claim 1 and 8, at least for this reason, claims 2-7 and 9-21 are also not obvious over the combination of Vock and Raymond.

In view of the foregoing, it is believed that all of the claims pending the application, *i.e.*, claims 1-21, are now in condition for allowance, which action is earnestly solicited. If any issues remain in this application, the Examiner is urged to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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